

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Panchayats – Revision Petition filed by Sri S. Swamy, Sarpanch (U/s), Chanda-T Gram Panchayat and Mandal, Adilabad District – Against the proceedings of the District Collector (PW), Adilabad District – Revision Petition - Disallow – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O. Rt. No. 1426

Date:03- 09-2011.

Read the following:

1. From the Dist. Collector, Adilabad Dist., Procds. No. 383/K5/Pts/2009, Dated. 11-06-2010.
2. Revision Petition received from Sri S.Swamy, Sarpanch (U/s), Chanda-T Gram Panchayat and Mandal, Adilabad District dt. 13-7-2010.
3. Govt. Memo. No. 15592/Pts.II/A1/2010-1, dt 14-07-2010.
4. From the Deputy Registrar, APHC., Hyderabad W.P.No.17689 of 2010, dt.23.7.2010.
5. From the Asst. Registrar, APHC., Hyderabad WPMNo.22364 of 2010 in W.P.No.17689 of 2010, dt.23.7.2011.
6. From the Asst. Registrar, APHC., Hyderabad W.P.No.17689 of 2010, dt.16.8.2010.
7. From the Dist. Collector, Adilabad, LR. NO. . 383/K5/Pts/2009, Dated. 7-09-2010.
8. Revision petition filed by Sri Lanka Raji Reddy Upa-Sarpanch, Chand-T Gram Panchayat, dt. 29.10.2010.
9. From the Asst. Registrar, APHC., Hyderabad W.P.No.26487of 2010, dt.26.10.2010.
10. From the DPO, Adilabad, Lr. No. 383/K5/Pts/2009, Dt. 21.7.2011.
11. Govt.Memo.No.15592/Pts.II/A1/2010-9, dt. 01.08.2011.
12. Govt.Memo.No.15592/Pts.II/A1/2010-10, dt. 05 .08.2011.
13. From the DPO, Adilabad, Lr. No. 383/K5/Pts/2009, Dt. 12.8.2011.

&&&

ORDER:

In the reference 1st read above, the District Collector (PW), Adilabad has suspended Sri S. Swamy from the post of Sarpanch, Chanda-T Gram Panchayat and Mandal, Adilabad District for mis-use of funds and abused his position.

2. Aggrieved by the said orders, in the reference 2nd read above, Sri S. Swamy, Sarpanch (U/s), Chanda-T Gram Panchayat and Mandal, Adilabad District has filed an Revision Petition before the Government requesting to stay the orders issued by the Collector, Adilabad vide reference 1st read above.

3. In the reference 3rd read above, Government while granting stay against the proceedings of the District Collector (PW), Adilabad District has requested to furnish his report in the matter.

4. In the reference 4th read above, Sri Lanka Raji Reddy Upa-Sarpanch, Chand-T Gram Panchayat has filed a W.P.No. 17689 of 2010 before Hon'ble High Court of Andhra Pradesh, Hyderabad.

5. In the reference 5th read above, the Hon'ble High Court has granted interim suspension on the Memo issued vide reference 3rd read above for a period of three (3) weeks.

6. In the reference 6th read above, the Hon'ble High Court while disposing the WPNNo.17689 of 2010 dt. 16.8.2010 was setting aside the order dt. 14.7.2010 of the Government, issued vide reference 3rd read above and directed to the Revisional authority to dispose the interim application or the main revision itself, as early as

(Contd....2)

possible, preferably within a period of 6 weeks from today, by issuing notice of hearing to the petitioner, as well as the 5th respondent. It is further declared that the petitioner, hearing stands impleaded as party respondent in the revision petition pending in the Government.

7. In the reference 7th read above, the District Collector (PW), Adilabad has reported that the Upa-Sarpanch and Ward Members of Gram Panchayat, Chanda-T of Adilabad Mandal have lodged a complaint against Sarpanch on misuse of powers and funds and requested to take action in the matter. In turn the Extension Officer (PR&RD), Adilabad was asked to enquire into the matter. Accordingly, the Extension Officer (PR&RD), Adilabad has sent his enquiry report stating that he has conducted the enquiry into the allegations leveled against the Sarpanch and also Panchayat Secretary duly giving prior intimation to the concerned and reported that the Sarpanch has drawn an amount of Rs.1,89,420/- which was not accounted for till today and collection of taxes are also very poor. The Divisional Panchayat Officer, Adilabad has reported that the allegations mentioned in the enquiry report of the Extension Officer (PR&RD), Adilabad are holds good and also pointed out that apart from the allegations, the Sarpanch himself approved layout plan without following rules and without approval of the Gram Panchayat Committee in respect of Sri Waman, S/o. Ganganna in Sy.No.108/1/2 situated at Chanda-T. Basing on the report, a show cause notice was issued to the Sarpanch and after examination of the explanation of the Sarpanch, Sri S.Swamy, Sarpanch (U/s), Chanda-T Gram Panchayat and Mandal, Adilabad District was placed under suspension.

8. The case was heard on 11.10.2010. The petitioner has requested to adjourned a short period. The case was again heard on 29.10.2010. The Sarpanch, Upa-Sarpanch and his Advocate appeared. The Advocate appearing for Upa-Sarpanch has submitted written arguments on behalf of Upa-Sarpanch.

9. In the reference 9th read above, the Hon'ble High Court has dismissed the WPNo. 26487 of 2010 dt. 26.10.2010 filed by Sri Lanka Raji Reddy Upa-Sarpanch, Chand-T Gram Panchayat & Mandal, Adilabad District.

10. In the reference 10th read above, the District Panchayat Officer has reported that during the hearing held on 29.10.2010 it has instructed to the Sarpanch, Chanda-T Gram Panchayat to produce all kind of records before the District Panchayat Officer, Adilabad within one (1) month. But the Sarpanch has failed to submit the records till today.

11. The case was heard on 22.07.2011. The District Panchayat Officer, the Sarpanch, MPP ADB, Upa-Sarpanch and his Advocate were attended the hearing. The learned Advocate attended on behalf of the Upa-Sarpanch has argued that the Sarpanch has misappropriated an amount of Rs.1.89 lakhs worth of expenditure is made by the Gram Panchayat still unaccountable. The Sarpanch has also granted a lay out in Sy. No.108/1/2, without following rules and also prior permission from the Collector and ensure that the conversion of land from agriculture to Non-agriculture before approving the layout. There is another allegation that the Sarpanch collected money for granting 60 Tap Connections which requires further enquiry.

12. The District Panchayat Officer has stated that all vouchers and records have been recorded and kept in the office records. it has been established that an amount of Rs. 1.89 lakhs worth of expenditure is still unaccounted for similarly, the District Panchayat Officer, Adilabad also stated that the lay out was also sanctioned without following rules.

13. The appeal petitioner, who appeared in person to defend his case mentioned that he has show all records to the District Panchayat Officer and accounted for the expenditure made. He also placed the same copies of records which part for recommending during the enquiry and at the same time also stated that these records

(Contd..3)

in original are available with the District Panchayat Officer. He denied the allegation regarding money collected for sanction of tap connections. Further, he also stated that he cancel the lay out subsequently. But he failed to produce copy of the resolution of the Gram Panchayat, which was said to be passed by Gram Panchayat. He was unable to give any specific reasons. The Upa-Sarpanch who was present has denied any resolution passed by the Gram Panchayat to cancel the lay out.

14. On perusal of all the matter and records and hearing the arguments of both Petitioner and as well as respondent Sarpanch, it is seen that the prima facie against Sarpanch regarding irregularities committed still exists. Considering that the term of the local bodies is coming to be an end, the Collector is advised to conduct enquiry expeditiously to give conclusive decision against Sarpanch. In the mean time cheque drawing power of the Sarpanch shall be withdrawn in view of the pending enquiry. The present Panchayat Secretary or Incharge will sign the cheques to the Executive Officer, Panchayat Raj & Rural Development would be the authority to counter signature them. It was also noticed that the Executive Officer, Panchayat Raj & Rural Development has requested vide his letter No:A4/150/2009, dated 11.12.2009 recommending action against the then Panchayat Secretary also apart from raising the case against Sarpanch. It is not known whether any action has been taken against the Panchayat Secretary. The Collector (Panchayats) should initiate immediate action against Panchayat Secretary of Chanda-T Gram Panchayat as per procedure and rules and a report should be submitted to the Commissioner, Panchayat Raj & Rural Employment and Government on the action taken. Accordingly, instructions has been issued vide memo 12th read above.

15. In the reference 13th read above, with reference to the Government Memo dated 5-08-2011, the District Panchayat Officer, Adilabad has reported that copies of the works executed by Sarpanch with reference to his explanation has been examined by his office and found that there is no new information has been furnished on works executed.

16. Government after careful examination of the matter and material available in the record hereby disallow the Appeal Petition filed by S.Swamy, Sarpanch(U/s), Chanda-T Gram Panchayat and Mandal, Adilabad District and the proceedings of the District Collector Adilabad issued vide reference 1st read above is confirmed.

17. The District Collector (PW), Adilabad District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector (PW), Adilabad District.

The Commissioner, Panchayat Raj and Rural Employment, Hyderabad.

The District Panchayat Officer, Adilabad District.

Sri S.Swamy from the post of Sarpanch, Chanda-T Gram Panchayat and Mandal, Adilabad District.

Sri Lanka Raji Reddy Upa-Sarpanch, ChandT Gram Panchayat & Mandal, Adilabad District.

The Govt. Pleader for PR, High Court of AP, Hyderabad for information.

Sri S. Surender Reddy, Advocate, Flat No.7, Block No.26, MIG-II, Baghlingampalli, Hyderabad.

The PS to M(PR&WS)

The PS to Principal Secretary (Pts)

Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER